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IN THE DRAWINGS

Please enter the attached substitute formal drawing with a correction as requested by the Examiner

IN THE ABSTRACT

Please enter the following substitute Abstract.

REMARKS

The claims have been amended to clarify the patentable invention. New claims 11-13 have been added. A new formal Drawing is also submitted along with a substitute Abstract. A request for a three month extension of time is hereby requested and accompanied by a fee for the three month extension.

In the Office Action, claims 1-10 have been rejected under 35 U.S.C. §112 as being indefinite. The claims as now amended are believed to alleviate this rejection.

In the Office Action, claims 1-2 and 6 have been rejected as being anticipated by the already known and cited reference to Muntz et al. This rejection is respectfully traversed. Applicant's invention discloses and claims a method where the cleaning agent is injected into the steam and made into a gaseous state where it contacts the dirt in the gaseous state.

On the other hand, the Muntz reference discloses a combustion chamber having an inlet passage for a combustible fluid and an exit passage for exhaust gases. The combustion chamber is in heat exchange contact with a second chamber which contains a supply of water and an outlet port for steam. In this device the outlet port for steam and the exit passage for

exhaust gases communicate with a fluid conduit at a mixing region. Downstream of this mixing region at a point about halfway down the length of the conduit is where the detergent or flammable cleaning fluid is introduced. However, Muntz is silent about the state of the detergent or other cleaning fluid as it exits nozzle 13.

It is axiomatic that, in order to "anticipate" a claim, "all the elements in the claim (or possibly their equivalents...) must have been disclosed in a single prior art reference or device." *Radio Steel & Mfg. Co. v. MTD Products, Inc.*, 731 F.2d 840, 845, 221 U.S.P.Q. 657, 661 (Fed. Cir. 1984). Moreover, "it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy,* 17 U.S.P.Q. 2d 1461, 1462 (BPAI 1990). It is respectfully submitted that the Muntz patent does not disclose or suggest all the elements of claim 1 as amended, nor has the Examiner identified wherein in any one of these cited patents it allegedly teaches "each and every facet" of the invention as claimed, i.e. that the cleaning agent enters a gaseous state as it contacts the dirt to be removed.

As further set forth in M.P.E.P. § 2131 (pgs. 2100-54 and 2100-55):

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q. 2d 1566 (Fed. Cir. 1990).

As further pointed out in M.P.E.P. § 706.02 (pgs. 700-10).

> "The distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Whereas, in a rejection based on 35 U.S.C. 103, the reference teachings must somehow be modified in order to meet the claims. The modification must be one, which would have been obvious to one of ordinary skill in the art at the time the invention was made."

It is further noted that the Examiner has not attempted to predicate the § 102 rejection on the basis of any "inherent" feature, and hence "inherency" is not an issue as to this rejection. It is argued that it is not inherent that the cleaning agent of Muntz enters a gaseous state. The location of the nozzle 15 being halfway down the conduit argues against the gaseous state and implies that the nozzle 15 is located to allow entry of the combustible fluid downstream enough to prevent ignition and atomization to the gaseous state.

In claim 2, the cleaning agent is introduced near the application device, not halfway down the conduit as shown in Muntz. In other words, the cleaning fluid should be introduced near exit nozzle 11 of the Muntz device. This is not shown or disclosed in Muntz reference.

With respect to claim 6, the claimed temperature range starts where the Muntz steam temperature range ends. In other words, the ranges cover completely different temperatures. Muntz reference does not anticipate the higher temperature range and does not

even render it obvious since it deals with combustible cleaning fluids which need the lower temperatures. As such, it is believed that claims 1-2 and 6 are allowable over the prior art.

In the Office Action, claims 3-5 and 7-10 have been rejected as being obvious over the Muntz et reference in combination with the Gilbert, Minich, Jr. et al.; Gohlas et al., and PCT WO 98/00608 references. This rejection if respectfully traversed. Each of the claims 3-5 and 7-10 are dependent upon claim 1 are believed allowable for the same reasons set forth above. The addition of the other four references does not alleviate the deficiencies of the Muntz et al reference as previously discussed. None of them disclose the atomization of the cleaning fluid into a gaseous state and to be in a gaseous state upon contact with the dirt.

Furthermore the combination of these five different references is respectfully traversed. These five references disclose very different items and it is not seen how one is combined with the other or where the suggestion in the prior art is to combine these references together. See In re Lobl, 108 USPQ 229 (CCPA, 1955) where the court stated that different kinds of container art may not be combined because they are very different from each other. To expand and apply a cleaning method using a steam and a combustible cleaner in a device with a washing machine detergent (Gohla) or a mobile power washer (Minich) is a much farther stretch and is contended to be improper. Similarly, the Federal Circuit has also stated that a person ordinarily skilled in the art would not consider a reference dealing with a different problem and directed to a different purpose. See In re Clay, 23 USPQ 2d 1058, (Fed. Cir. 1992).

It is believed that the Examiner is apparently combining five different references for no apparent reason other that the reason of rendering applicant's invention obvious. There is no apparent reason, desirability, or motivation to combine these references absent applicant's

disclosure and therefore the combination is improper. Numerous well reasoned judicial cases explain and repeatedly affirm the tenant of needing a desirability or motivation to combine the references at the time of the invention. See Robotic Vision Systems Inc. v. View Engineering Inc. 51 USPQ 2d 1948 (Fed. Cir. 1999); Ex parte Walker, 135 USPQ 195 (POBA, 1961), In re Imperato, 179 USPQ 730 (CCPA, 1973), In re Nomiya, 184 USPQ 607 (CCPA, 1975), Ex parte Chicago Rawhide Manufacturing Co., 223 USPQ 351 (PTOBA, 1984), Ex parte Kice, 211 USPQ 560 (PTOBA, 1980), Ex parte Hiyamizu, 10 USPQ 2nd 1393 (PTOBA, 1988), Ex parte Marinaccio, 10 USPQ 2nd 1716 (PTOBA, 1989), In re Gordon, 221 USPQ 1125, (Fed. Cir. 1984), In re Bond, 15 USPQ 2d (Fed. Cir., 1990) and In re Mills, 16 USPQ 2d 1430 (Fed. Cir. 1990).

As the board stated in Ex parte Hiyamizu supra, page 1394:

> It is to be noted, however, that citing references which merely indicate that the isolated elements and/or features recited in the claims are known is not a sufficient basis for concluding that the combination of claimed elements would have been obvious. That is to say, there should be something in the prior art or a convincing line of reasoning in the answer suggesting the desirability of combining the reference in such a manner as to arrive at the claimed invention.

The Examiner has not shown any desirability to combine these references. The patents that the examiner has cited relate to a cleaning machine using combustible cleaning solution, a mobile power washer, a washing machine detergent, a steam and vacuum cleaner, and a cleaning method, respectively. It is conceded that these elements are all old in the art. Each of these patents is claiming a specific arrangement and combination. The examiner in the present application appears to take specific separate elements, apart from what the disclosure

teaches as a whole, combine it with the Mintz reference. However, how one combines the Mintz reference with the other devices and methods is completely missing in the combination of the two disclosures.

To hold otherwise and allow this type of rejection to be valid would cause virtually no patents to be issued. Virtually all inventions are combinations and every invention is formed of "old elements". See In re Wright, 6 USPQ 2d 1959, 1962 (Fed. Cir. 1988). "Only God works from nothing. Men must work with old elements." See Fromson v. Advance Offset Plate, Inc. 226 USPQ 26, 31 (Fed. Cir. 1985). Their still are only 6 or seven basic machines that include the lever, pulley, wedge and screw. All other machines are merely combinations of these basic machines.

The examiner is picking and choosing from cited references only a portion of each reference that supports his "given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." See In re Wesslau 147 USPQ 391, 393, (CCPA, 1965). Such a rejection is an "insidious effect of a hindsight syndrome". See W.L. Gore & Associates v. Garlock, Inc. 220 USPQ 303, 313 (Fed. Cir., 1983). As such, it is requested that this rejection be withdrawn.

Absent applicant's own invention, there appears to be no desire or suggestion in the prior art to combine the various references cited by the Examiner. The Examiner is thus using applicant's disclosure as a guide. This use of applicant's own invention as a guide is improper. See Ex parte Hiyamizu supra, page 1395. He is picking and choosing only those elements that when combined in just the right fashion by comparing it to applicant's invention appears to render obvious by hindsight the claimed invention. This procedure is improper. See

In re Wesslau, 147 USPQ 391 (CCPA, 1965). As such it is now requested that the rejection be withdrawn.

Even, *assuming arguendo,* that the combination is proper, the combination does not disclose nor renders obvious all the features of claim. The Gilbert reference discloses a combined steam and vacuum cleaner, wherein a cleaning agent and steam are delivered to a mixing chamber. Treated dirt can be removed by a flexible vacuum hose. In the embodiment of FIG. 1 a steam hose 20 and detergent hose 22 are used, which form a twin tubing. Most significantly, the steam and cleaning agent flow out of the respective hoses freely into the mixing chamber 24. Injection of the cleaning agent into the steam does not occur. Gilbert aims for the instantaneous generation of steam. Improvement of the cleaning power of the cleaning agent itself is not dealt with or disclosed by Gilbert.

The above arguments also apply to WO 98/00608. Removal of steam treated dirt such as chewing gum by suction is known per se from this document, but again the improvement of the cleaning power of a cleaning agent is not touched upon. Nowhere in the specification the preheating of the cleaning agent prior to injection thereof into the steam is disclosed or suggested. Moreover, the detergent mentioned on page 10, lines 10-17 is for descaling the boiler tubes of the apparatus itself, and is not intended for removing dirt of the surfaces treated. This document mentions a pressure of less than 50 bar for the steam, e.g. the steam has a pressure of 48 bar in the line before the nozzle outlet (page 9, l. 3-5). Thus a pressure of 10 bar or less is not disclosed, neither suggested as defined in claim 5. In fact, WO 98/00608 teaches to use high pressure, high temperature steam.

With respect to Minich (US-A-3687156) it is noted that in col. 2, l. 8-34 thereof a general description of a composition suitable for use in Minich is disclosed. This description mentions only one phosphorous containing compound, i.e. hexamethaphosphate. A combination according to claim 9 of the present application is not disclosed. The generalization made by the Examiner "complex phosphates" cannot be derived unambiguously from Minich. In addition the examples of organic solvents presented by Minich are polar compounds, unlike the **non-polar organic solvent** as defined in claim 9.

The detergent and cleaning composition comprising several phosphorous containing compounds, disclosed by Gohla (US-A-4308158) is suitable for use in washing machines. However, this known composition does not correspond to the preferred composition of the present application as claimed in claim 9.

As such, claims 3-5, and 7-10 are believed to be patentable over the cited combination of five references.

New claims 11-13 are depending upon independent claim 1 and thus are believed allowable as argued above.

As such, it is now believed that the case is in condition for allowance and early notification of such allowance is earnestly solicited.

The Commissioner is authorized to charge any fees, or credit any overpayment in connection with this communication to Deposit Account No. 50-0852. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Date: July 2, 2003

MARKED UP VERSION SHOWING CHANGES MADE

Claim 1. Method ~~for the removal~~ of removing dirt by means of steam and a cleaning agent, which method comprises the steps of supplying cleaning agent and mixing it with the steam, and bringing the mixture into contact with the dirt to be removed, wherein the cleaning agent is injected into the steam and is brought into contact in a gaseous state with the dirt to be removed.

Claim 6. Method according to claim 1, wherein ~~the temperature of~~ the steam has a temperature ranging from 120 to 160° C ~~lies in the region of 120-160° C~~.

Claim 9. Method according to claim 1, ~~in particular for the removal of chewing-gum residues,~~ wherein the cleaning agent is an aqueous solution that comprises phosphate compounds, said compounds comprising a least a combination of orthophosphate, polyphosphate and pyrophosphate, and also at least an anionic surfactant, a non-polar organic solvent and an emulsifier.

Claim 10. Method according to claim 1, wherein the ratio of steam to cleaning agent is in the ~~region~~ range of 4-8:1~~, preferably approximately 6:1~~.

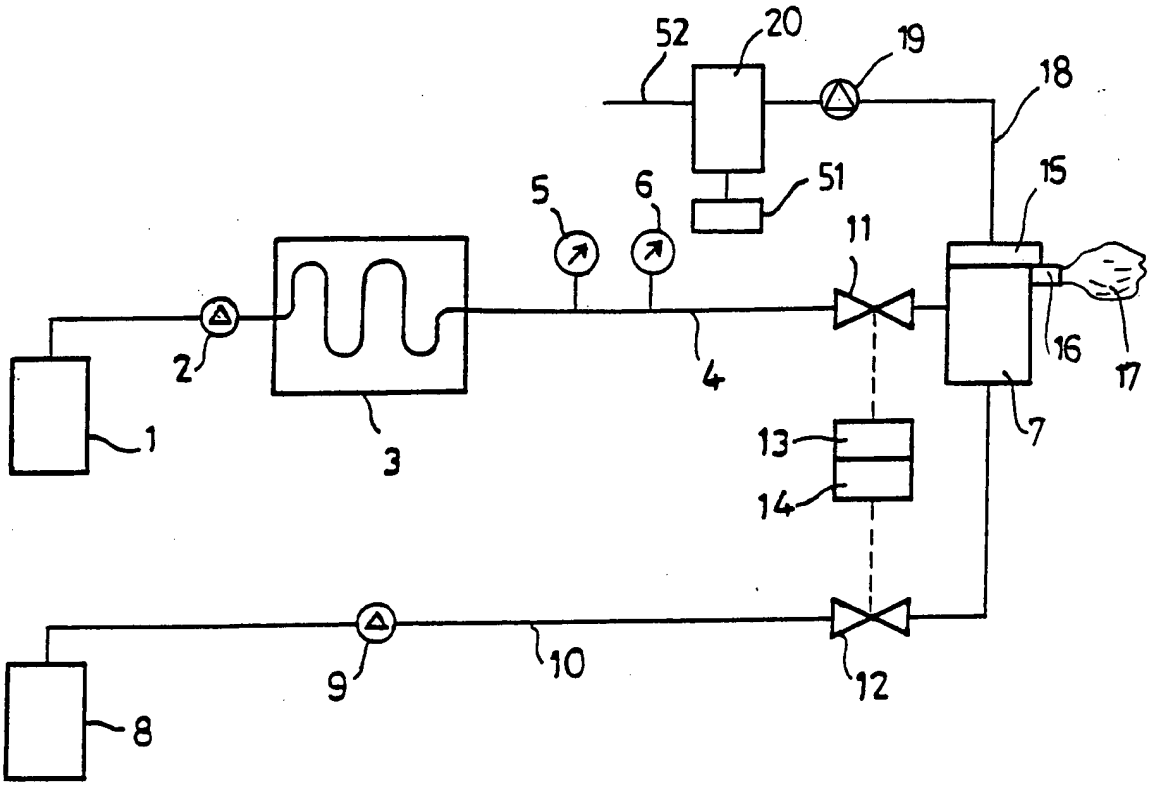

FIG: 1.

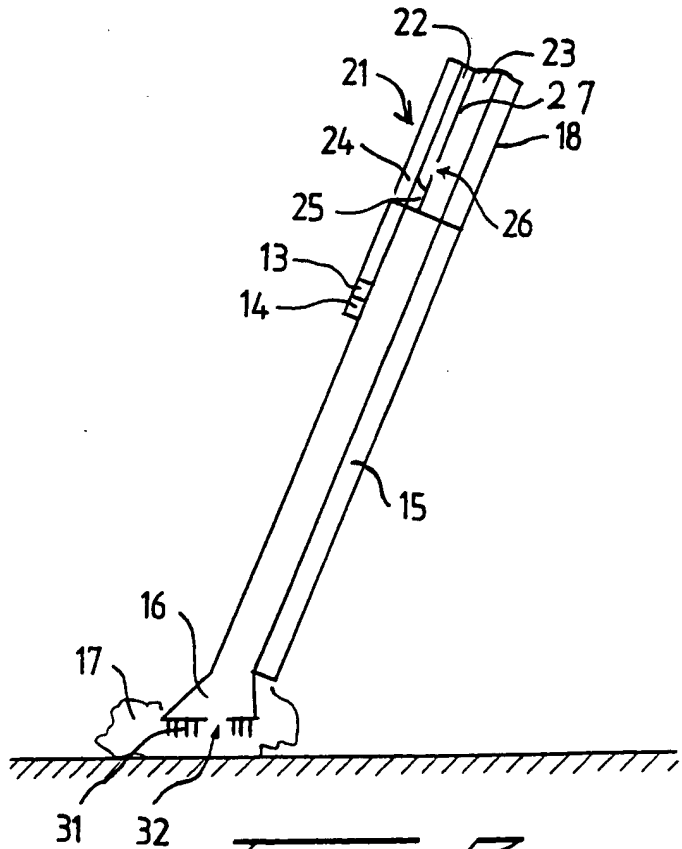

FIG: 2.

ABSTRACT OF THE DISCLOSURE

In a method of removing dirt by means of steam and cleaning agent, the cleaning agent is injected in a metered way into the steam and atomized, so that the mixture formed is applied in a gaseous state to the dirt to be removed. Such a gaseous mixture has a higher activity than a mixture of steam and droplets of liquid cleaning agent.

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